

**FILED**  
AUG 07 2008  
By PATRICK E. DUFFY, CLERK  
DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,	)	CR 08-29-M-DWM-3
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
GUY ERIC WALDRON,	)	
WAYNE LEROY WALDRON, JR., and	)	
JERROD HENRY FISTER,	)	
	)	
Defendants.	)	
_____	)	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on July 22, 2008. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir.

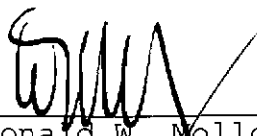
2000).

Judge Lynch recommended this Court accept Fister's guilty plea after Fister appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charge of unlawful user of controlled substance in possession of firearms in violation of 18 U.S.C. § 922(g)(3).

I find no clear error in Judge Lynch's Findings and Recommendation (dkt # 48) and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Fister's motion to change plea (dkt # 40) is GRANTED.

DATED this 6<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Donald W. Molloy, District Judge  
United States District Court

